

DIAA Board of Directors' Meeting Minutes
Thursday, July 14, 2011 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:10 a.m. by Gerald Kobasa, DIAA Chairperson. Mr. Kobasa welcomed three new members Dave Thomas, Dr. Kevin Fitzgerald, and Joe Thomson.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Terre Taylor, Curtis Bedford, Joe Thomson, Edna Cale, Craig Eliassen, Laura Leone, Dave Thomas, Susan Coffing, Pam Love, Dr. Kevin Fitzgerald, Woody Long, Dr. Mark Holodick, and Ron Eby. Kevin Charles; Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Catherine Marvel, Harvey Hyland, Dr. Rene Knight-Peguero, and Dr. Amelia Hodges were unable to attend the meeting.

C. Approval of Agenda

Ms. Leone made a motion to approve the agenda. The motion was seconded by Ms. Cale and carried unanimously.

D. Approval of Minutes of June 19, 2011 Board of Directors' Meeting

Ms. Cale made a motion to approve the minutes of June 9, 2011 Board of Directors' meeting. The motion was seconded by Mr. Long and carried unanimously.

E. Financial Report

Mr. Charles reviewed the income and expenses from June 2 to June 30 and commented that the FY 11 income year to date was \$743,590 which is 103% of the projected revenue. Mr. Charles advised that the income for the reporting period of was \$68,167 which was from fees, interest, member dues and tournament income. Mr. Charles stated that he is still expecting around \$15,000 from TeamIP. Mr. Charles advised that the year to date expenses were \$720,694 which is 100% of the projected expenditures. Mr. Charles stated that the expenses for the reporting period are \$65,000 of which \$33,000 were for tournament expenses, \$27,000 for salary and OECs. Mr. Charles reported that the carry over fund is at \$553,440. Mr. Long made a motion to accept the financial report. The motion was seconded by Ms. Cale and carried unanimously.

II. Public Comment

None.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles presented the 16 tournament sanction requests which include 7 for cross country, 1 boys basketball, 1 field hockey, 1 volleyball, 1 indoor track, and 4 wrestling. Mr. Charles reported that he approved 15 of the 16 events as one did not have any Delaware teams participating. Mr. Charles reviewed the requests and advised that to the best of his knowledge the sanction requests were in compliance with DIAA and the NFHS requirements. Mr. Eby made a motion to approve the sanctions. The motion was seconded by Mr. Eliassen and carried unanimously.

G. Proposal to Increase amount of Senior Scholar Athlete Award

Mr. Charles explained that each year six scholarships are awarded to three male and three female students. Mr. Charles stated that over the past couple of years the Committee would have liked to award two more scholarships because the applicants were so close. On behalf of the review committee, Mr. Charles was asking that the Board approve two additional optional scholarships to be awarded on an as needed basis. Dr. Fitzgerald made a motion to approve the Executive Director's recommendation for two additional optional scholarships. The motion was seconded by Dr. Holodick and carried unanimously.

E. Request for Alternate Wrestling Season by CSD & BSD

Mr. Charles reviewed an annual request by the Colonial and Brandywine school district middle schools to conduct their wrestling season at an alternate time period from October 19, 2011 through December 12, 2011. Mr. Charles explained that the wrestling season normally runs from the first Friday in December through mid February. Mr. Charles stated that these two districts have done this for years because it better enables them to accommodate gym space and as a side benefit allows the officials to better cover the events. Dr. Fitzgerald made a motion to approve the request. The motion was seconded by Mr. Eby and carried unanimously.

IV. Executive Director Report

A. Legal

Ms. Fontello advised that the State Board considered the pending appeal at their June meeting. The State Board adopted the hearing officers proposed decision to uphold the DIAA decision. Ms. Fontello then explained the process of appeals to the new Board members.

B. Misc.

Mr. Charles reported on the Board appointments and stated that there are two vacant Board positions at this time and should be filled in January.

Mr. Charles updated the Board on the status of DIAA member school Pencader Charter School.

Mr. Charles also commented on two articles that were in the News Journal and suggested the Board members review them.

III. F. Proposal to Remove Diving from Team Scoring at State Meet

Mike Hart; chair of the Swimming and Diving Committee, and Joe Huggins; Committee member, were in attendance to present this proposal. Mr. Hart stated that what they are proposing is to eliminate diving as a team scoring event at the state meet with individual awards still being given. Mr. Hart stated that they surveyed the athletic directors and coaches and the majority were in favor of making some type of change. Mr. Hart stated that one of the biggest reasons that there has been a decline in diving is due to the lack of facilities. Mr. Charles commented that the Committee has been dealing with this issue for years. Mr. Neubauer stated that there are 17 other states that modify diving at state meets. Mr. Long made a motion to accept the Swimming and Diving Committee's recommendation to modify the diving format. The motion was seconded by Mr. Bedford and carried unanimously.

B. Request for Waiver of 1009.2.4 by Cape Henlopen for D. L.

Prior to the hearing, Board member Joe Thomson recused himself from participation as a Board member in this matter. Lisa Anthony; mother of the student; Student, and Bob Cilento; athletic director at Cape Henlopen High School were in attendance to present this request. Mother requested an open hearing. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there are 13 voting members present and participating to consider this matter. Ms. Fontello also explained the hearing procedures. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Ms. Fontello then reviewed all documents pertaining to this hearing and the documents were included in the record.

Ms. Anthony explained the reasons for the waiver request. She reviewed the

reasons provided in the waiver package and highlighted some of the items in her letter. She explained that several years ago her son's father died and the family is still dealing with that loss. Student entered high school at Sussex Tech High School but that it ended up not being a good move because their circumstances have changed. Mother further explained that her son was too far away from her and the rest of her family. Ms. Anthony stated that her next oldest son will be entering Cape Henlopen this school year as a 9th grader and she wants her children in the same school. Ms. Anthony stated it is also easier to have the kids at the same school for after school activities. Mr. Cilento stated that the school supports this request. Ms. Anthony further explained that they live and work very close to Cape Henlopen High School. Ms. Anthony stated that this move is related to family issues and not sports. Mr. Thomson commented that he too thought the move would be good for Student.

Ms. Coffing made a motion to go into deliberation. The motion was seconded by Ms. Leone and carried unanimously. Dr. Fitzgerald made a motion to come out of deliberation. The motion was seconded by Mr. Eliassen and carried unanimously.

Dr. Holodick made a motion to accept the waiver request for Student due to the circumstances presented including the family's desire to keep the children closer to home and in the same school. The motion was seconded by Mr. Eliassen and carried by a vote of 11 – yes (Holodick, Kobasa, Taylor, Bedford, Eliassen, Leone, Thomas, Coffing, Love, Fitzgerald, Long) and 2 – no (Cale and Eby).

The Board recessed at 10:05 a.m. and reconvened at 10:20 a.m.

D. Application for Membership by Thomas Edison Charter School

Sarah Stetson, teacher at Thomas Edison, was in attendance to present this request. Ms. Stetson explained that the school is interested in becoming a member of DIAA. Ms. Stetson also stated that the school is interested in sponsoring field hockey, basketball, track, and cheerleading. Ms. Stetson stated that they have a gym and fields that are close by that they can use to practice but that most games would have to be away. Ms. Stetson stated that her school is prepared to follow all of DIAA rules. Ms. Stetson stated that the Principal is also on board with this and that he handles the financial aspects. Ms. Love made a motion to approve the request for Thomas Edison to be a full member school. The motion was seconded by Mr. Thomson and carried unanimously. Dr. Fitzgerald made a motion to allow other DIAA middle schools willing to play Thomas Edison Charter School the ability to play one extra game as long as that game is against Thomas Edison Charter School. The motion was seconded by Mr. Eliassen and carried unanimously.

C. Application for Associate Membership by RLCA

Mr. Ken Howard, athletic director for Red Lion Christian Academy was in attendance to present this request. Mr. Howard commented that he appreciated the work of the Sub-Committee with regards to this application. Mr. Howard explained that Red Lion was applying for membership as an Associate Member so that Red Lion Christian Academy can pursue athletic opportunities outside of Delaware in football and boys basketball but remain accountable to the DIAA Regulations for all other sports. Mr. Howard explained that this will allow RLCA to pursue a national schedule with their boys' basketball and football teams and will increase student-athlete exposure. Mr. Howard also commented that scheduling boys' basketball and football games in Delaware has proven difficult.

Ms. Taylor served as the chair person of the special committee and reported the process and the committee's conclusion. She explained the committee met four times to review the application from RLCA. Ms. Taylor reported that the committee determined that the best option is for Associate Membership. Ms. Taylor stated that the DIAA Board has established a precedent for Associate Membership although this is different from other Associate Member schools. Ms. Taylor commented that even though RLCA will be an Associate Member school, the school will remain accountable to DIAA regulations. Ms. Taylor commented that the Committee felt that DIAA should stay involved with RLCA as part of DIAA's mission to ensure the proper balance between education and athletics. Ms. Taylor also noted that there are consequences to this choice such as not participating in the football and basketball state tournament, RLCA will not be able to play instate teams in football and basketball, and also the new athletes who participate in football and basketball will not be able to participate in other sports while at RLCA. Ms. Taylor commented that the Committee felt it appropriate to accept the application for Associate Membership.

Mr. Howard reviewed a list of exceptions that RLCA will abide by. Mr. Charles commented that the school will follow and adhere to the DIAA transfer rule. It was also clarified that RLCA did not request a waiver to recruit students from DIAA member schools. RLCA's request regarding Rule 1009.10 is limited to providing athletically connected financial aid. Mr. Charles reported that he recently met with a consultant that will help with the financial summit with regards to RLCA's financial aid. Mr. Howard also agreed that because of the exceptions that have been granted that RLCA's high school football team cannot compete against any DIAA member schools along with the boys' basketball team with the exception of the phase-in that has been allowed for the 2011-2012 season which will allow RLCA to play the eight DIAA schools presently on their schedule. Mr. Howard agreed to contact those 8 schools and

offer them the opportunity to opt out of these games.

Mr. Howard also explained that RLCA will use the DIAA hardship standard in determining 5th year eligibility in football or basketball. Mr. Howard also commented that RLCA has not asked for an exception for the 8th graders and the DIAA rules will apply to the 8th graders which means under no circumstance will they be allowed a 6th year of eligibility. Mr. Howard also commented that if RLCA is denied Associate Member status they will stay a full member.

Dr. Holodick made a motion to go into deliberation. The motion was seconded by Ms. Coffing and carried unanimously. Ms. Leone made a motion to come out of deliberation. The motion was seconded by Dr. Fitzgerald and carried unanimously.

Mr. Howard confirmed that this request applies only to high school football and basketball and not middle school. Mr. Charles explained that the eighth grade rule is a separate rule and is not on the list of exceptions requested by RLCA. Mr. Howard also confirmed that even though the document asking for associate membership has draft on it, it is the actual request.

Mr. Eliassen made a motion to approve the request for associate membership as submitted. The motion was seconded by Ms. Cale and carried by a vote of 10 – yes (Kobasa, Taylor, Bedford, Thomson, Cale, Eliassen, Leone, Fitzgerald, Holodick, and Eby), 2 – no (Coffing and Long) and 1 – abstention (Love).

IV. Executive Director Report

C. NFHS Summer Meeting.

Mr. Kobasa reported that Mr. Charles was voted President of the NFHS for the 2012-13 school year.

Mr. Charles reported on the NFHS meeting and commented that Mr. Neubauer was appointed to the NFHS Officials Publication Committee for a four-year term.

D. Final Attendance Report

Mr. Charles reviewed the 2010-11 tournament attendance report and commented that there was 84,974 total paid attendance.

E. Final Budget Report

Mr. Charles reviewed the final budget report and reported that each sport finished in the black this year.

F. School Year 2010-11 Participations Report

Mr. Neubauer reviewed the 2010-11 participation report.

G. FY11 Legislation

Mr. Charles reviewed the final status of SB 111, the concussion legislation and SB 69, the athletic trainer legislation.

V. Other

VI. Public Comment

VII. Adjournment

Ms. Cale made a motion to adjourn at 12:30 p.m. The motion was seconded by Mr. Eby and carried unanimously.

Tina Hurley